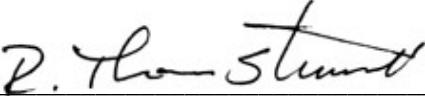




**SO ORDERED.**

**SIGNED this 05 day of November, 2008.**

**THIS ORDER HAS BEEN ENTERED ON THE DOCKET.  
PLEASE SEE DOCKET FOR ENTRY DATE.**



**R. Thomas Stinnett  
UNITED STATES BANKRUPTCY JUDGE**

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**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TENNESSEE  
SOUTHERN DIVISION**

In re:

No. 08-11235  
Chapter 13

JEWELL S. LEDFORD  
TAMMY LEDFORD,

Debtors;

JEWELL S. LEDFORD  
TAMMY LEDFORD,

Plaintiffs

v.

Adversary Proceeding  
No. 08-1069

CRESCENT BANK & TRUST and  
ASCENSION CAPITAL GROUP,

Defendants.

**MEMORANDUM AND ORDER**

This adversary proceeding was commenced by Jewell S. Ledford and Tammy Ledford ("Plaintiffs") against Crescent Bank & Trust and Ascension Capital Group ("Defendants")

seeking compensatory and punitive damages and a finding of contempt of court for the willful violation of the automatic stay as well as a violation of the permanent injunction under 11 U.S.C. 524.

On August 19, 2008, the court entered an Order and Notice of Trial in which the court ordered, “A response to a dispositive motion must be filed within twenty (20) days after the date the motion was filed. Any opposing response shall be supported by a brief setting forth the facts and the law in opposition to the motion. After the time for response has expired, the court may rule on the motion without further notice and without a hearing.” Furthermore, pursuant to Local Rule 7007-1, a failure to respond timely will be construed to mean that the respondent does not oppose the relief requested by the motion.

On October 9, 2008, the Defendants filed a motion to dismiss the adversary proceeding and a brief in support thereof, and tendered a proposed order granting the motion with service upon counsel for the Plaintiffs. Pursuant to the court’s scheduling order, a response was due on or before October 29, 2008. No response has been filed by the Plaintiffs.

The court is required to make an independent determination that the motion has merit. *Miller v. Shore Financial Services, Inc.*, No. 04-1789, 2005 WL 1579515, at \*1 (6th Cir. July 5, 2005). Upon review of the complaint, the answer, the exhibits, and the motion to dismiss, the court finds that the motion should be granted for the reasons set forth in the brief in support of the motion. Accordingly,

It is ORDERED that the motion to dismiss by Crescent Bank & Trust and Ascension Capital Group is GRANTED, and the Plaintiffs’ complaint is hereby dismissed.

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